

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE
APPLICATION OF SATFINANCE
INVESTMENT LIMITED FOR AN
ORDER TO TAKE DISCOVERY
PURSUAN TO 28 U.S.C. § 1782

19 Misc. 550 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Satfinance Investment Limited (“Petitioner”) has applied for an *ex parte* order pursuant to 28 U.S.C. § 1782 to conduct discovery for use in foreign proceedings (the “Petition”). This Court, having carefully considered the papers submitted by Petitioner, finds as follows:

A. Petitioner has met the requirements under 28 U.S.C. § 1782 for granting the requested judicial assistance and relief.

B. For purposes of the instant Petition, the following corporate entities and person reside or are found in the Southern District of New York: Athena Art Finance Corp. (“Athena”), G. Andrea Danse, and YieldStreet Inc. (YieldStreet) (together, the “Witnesses”).

C. The discovery sought through this Application is for use in proceedings that are before a foreign tribunal.

D. The Petitioner is an interested person within the meaning of the statute, in its capacity as a party to the foreign proceedings before the High Court of Justice of England and Wales, Business and Property Courts (the “Foreign Proceedings”).

E. The discretionary factors, as described by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 247 (2004), weigh in favor of granting the requested assistance.

F. More particularly: (1) Danse and YieldStreet are not parties in the Foreign Proceedings and are not expected to become parties thereto, and while Athena is named as a party, it will appear only for the purpose of contesting the foreign court's jurisdiction over it; (2) there is no indication that the foreign court would not be receptive to U.S. federal-court judicial assistance as requested in the Petition; (3) the Petition does not conceal an attempt to circumvent foreign proof-gathering restrictions; and (4) the Petition seeks discovery that is not unduly intrusive or burdensome as the Petition requests evidence of the type normally produced by corporate entities or persons as third parties or parties in litigation.

IT IS HEREBY ORDERED that:

1. The Petition for an order pursuant to 28 U.S.C. § 1782 to conduct discovery for use in foreign proceedings is granted;

2. Petitioner, through its counsel, is authorized to issue, sign, and serve upon the Witnesses subpoenas and interrogatories in substantially the same form as attached to the Declaration of Derek J.T. Adler as Exhibits H-N to the Petition, to take discovery relating to the issues identified in this Petition; and

3. The Witnesses must comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the Rules of this Court.

SO ORDERED.

Dated: December 2, 2019
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge